FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR.

First Appeal No. 107 of 2005
(Sureshkumar Chandulal Mirani Vs. Madhumati Sureshkumar Mirani)

Appeal — District :
Application No. — of 200
Writ petition

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's Orders

Mr. Sarda h/f Mr. C.A. Joshi, Adv. for the appellant.
Mr. A.J. Thakkar, Adv. for R-sole.

CORAM : Smt. Vasanti A. Naik, J.
DATE : 17th August, 2007

Shri Sarda, the learned counsel for the appellant, submits that the appellant has expired during the pendency of this first appeal.

Since this is a matrimonial matter arising out of the judgment passed in a petition for divorce, the cause of action would not survive after the death of the appellant. Hence as per the principle of *actio personalis moritur cum persona,* the first appeal would not survive.

First appeal is dismissed as abated.

JUDGE

RMP